IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1700 OF 2006

Smt. Pramilaben Lalji Bakaria ....Applicant.

V/s

The State of Maharashtra
(At the instance of N.M.
Joshi Marg Police Station) ....Respondent.

Mr. Nilesh Pawaskar for the applicant.
Ms. M.M. Deshmukh, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 25th April, 2006

P.C.

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with F.I.R. No. 89 of 2006 registered at Borivali Railway Police Station for the offence punishable under section 304 Part II of the Indian Penal Code.

3. It is alleged that the applicant was travelling by train and the deceased stepped into the said local train at Borivali. However, since the train was packed to full capacity, the deceased could not enter the main compartment and when the train reached

Kandivali, she fell down and died. It is alleged that the present applicant did not assist the deceased for coming inside the train and it is also alleged that she did not permit the deceased to enter the compartment and, therefore she had committed an offence under section 304 Part-II of the Indian Penal Code.

4. The applicant is in jail since 13/4/2006. The applicant is a house wife and was travelling by train to attend the religious programme organized by Jain Community. She used to prepare food during the annual festival of the Community for the people attending the said religious function.

5. Looking at the nature of the incident which had taken place, it appears that it was an unfortunate incident. In any case, in my view, the applicant is entitled to be released on bail. The applicant be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount. The applicant shall report to the concerned Police Station once in a month.

6. The trial court shall not be influenced by any observation made by this Court while deciding this

application and it may not be construed to mean as an expression of opinion on the merits of the case. The trial court shall decide the case on its own merits and in accordance with law.

7. Application is accordingly disposed of.

V.M. KANADE, J.